

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**UNIFIED MESSAGING SOLUTIONS LLC,**

Plaintiff,

**v.**

**GOOGLE, INC., et al.,**

Defendants.

Civil Action No. 6:11cv464

**JURY TRIAL DEMANDED**

**MOTION TO DISMISS DEFENDANT DELL INC. WITH PREJUDICE**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and (c), Plaintiff Unified Messaging Solutions LLC (“Unified Messaging”) and Defendant Dell Inc. (“Dell”) hereby stipulate that all claims and causes of action asserted by Unified Messaging against Dell, and all claims and causes of action asserted by Dell against Unified Messaging, in the above-entitled and numbered action be, and hereby are, dismissed with prejudice to re-filing same. A proposed order is attached. Each party shall bear its own costs and fees, including attorneys’ fees.

**Dated: August 2, 2012.**

Respectfully submitted,

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**Counsel for Defendant  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 2nd day of August, 2012, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Tyler Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/Edward R. Nelson, III  
Edward R. Nelson, III

**CERTIFICATE OF CONFERENCE**

I hereby certify that Plaintiff Unified Messaging Solutions LLC and Defendant Dell Inc. have conferred regarding the forgoing motion, and Dell indicated that it was in agreement with this motion.

/s/ Edward R. Nelson, III